

House Engrossed

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**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
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CHAPTER 50

HOUSE BILL 2257

AN ACT

AMENDING SECTION 16-168, ARIZONA REVISED STATUTES; RELATING TO REGISTRATION ROLLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-168, Arizona Revised Statutes, is amended to
3 read:

4 16-168. Precinct registers; date of preparation; contents;
5 copies; reports; statewide database; violation;
6 classification

7 A. By the tenth day preceding the primary and general elections the
8 county recorder shall prepare from the original registration forms or from
9 electronic media at least four lists that are printed or typed on paper of
10 all qualified electors in each precinct in the county, and the lists shall be
11 the official precinct registers.

12 B. The official precinct registers for use at the polling place shall
13 contain at least the names in full, party preference, date of registration
14 and residence address of each qualified elector in the respective precincts.
15 The names shall be in alphabetical order and, in a column to the left of the
16 names, shall be numbered consecutively beginning with number 1 in each
17 precinct register.

18 C. For the purposes of transmitting voter registration information as
19 prescribed by this subsection, electronic media in counties with a population
20 over five hundred thousand persons in the last decennial census shall be the
21 principal media. A county or state chairman who is eligible to receive
22 copies of precinct lists as prescribed by this subsection may request that
23 the recorder provide a paper copy of the precinct lists. The county
24 recorder, in addition to preparing the official precinct lists, shall provide
25 a means for mechanically or electronically reproducing the precinct lists and
26 unless otherwise agreed shall deliver within eight days after the close of
27 registration for the primary and general elections, without charge, on the
28 same day one electronic media copy of each precinct list within the county to
29 the county chairman and one electronic media copy to the state chairman of
30 each party that has at least four candidates other than presidential electors
31 appearing upon the ballot in that county at the current election. The county
32 recorder shall also deliver, upon request and without charge, one electronic
33 media copy of the precinct list to the Arizona legislative council. The
34 county recorder of a county with a population of five hundred thousand or
35 fewer persons, on the same day precinct lists are delivered to county
36 chairmen, shall deliver one electronic media copy of each precinct list
37 within the county to the state chairman of each party that has at least four
38 candidates other than presidential electors appearing on the ballot in this
39 state at the current election. The copies of the precinct lists shall be
40 electronic media and shall include for each elector the following
41 information:

- 42 1. Name in full and appropriate title.
- 43 2. Party preference.
- 44 3. Date of registration.
- 45 4. Residence address.

1 5. Mailing address, if different from residence address.
2 6. Zip code.
3 7. Telephone number if given.
4 8. Birth year.
5 9. Occupation if given.
6 10. Voting history for all elections in the prior four years and any
7 other information regarding registered voters which the county recorder or
8 city or town clerk maintains electronically and which is public information.
9 D. The names on the precinct lists shall be in alphabetical order and
10 the precinct lists in their entirety, unless otherwise agreed, shall be
11 delivered to each county chairman and each state chairman within ten business
12 days of the close of each date for counting registered voters prescribed by
13 subsection G of this section other than the primary and general election
14 registered voter counts in the same format and media as prescribed by
15 subsection C of this section. During the thirty-three days immediately
16 preceding an election and on request from a county or state chairman, the
17 county recorder shall provide a daily list of persons who have requested an
18 early ballot and shall provide a weekly listing of persons who have returned
19 their early ballots. The recorder shall provide the daily and weekly
20 information through the third day preceding the election.
21 E. Precinct registers and other lists and information derived from
22 registration forms may be used only for purposes relating to a political or
23 political party activity, a political campaign or an election, for revising
24 election district boundaries or for any other purpose specifically authorized
25 by law and may not be used for a commercial purpose as defined in section
26 39-121.03. The sale of registers, lists and information derived from
27 registration forms to a candidate or a registered political committee for a
28 use specifically authorized by this subsection does not constitute use for a
29 commercial purpose. The county recorder, on a request for an authorized use
30 and within thirty days from receipt of the request, shall prepare additional
31 copies of an official precinct list and furnish them to any person requesting
32 them on payment of a fee equal to five cents for each name appearing on the
33 register for a printed list and ~~ten cents~~ ONE CENT for each name for an
34 electronic data medium, plus the cost of the blank computer disk or computer
35 software if furnished by the recorder, for each copy so furnished.
36 F. Any person in possession of a precinct register or list, in whole
37 or part, or any reproduction of a precinct register or list, shall not permit
38 the register or list to be used, bought, sold or otherwise transferred for
39 any purpose except for uses otherwise authorized by this section. A person
40 in possession of information derived from voter registration forms or
41 precinct registers shall not distribute, post or otherwise provide access to
42 any portion of that information through the internet except as authorized by
43 subsection J of this section. Nothing in this section shall preclude public
44 inspection of voter registration records at the office of the county recorder
45 for the purposes prescribed by this section, except that the month and day of

1 birth date, the social security number or any portion thereof, the driver
2 license number or nonoperating identification license number, the unique
3 identifying number prescribed by this section, the Indian census number, the
4 father's name or mother's maiden name, the state or country of birth and the
5 records containing a voter's signature shall not be accessible or reproduced
6 by any person other than the voter, by an authorized government official in
7 the scope of the official's duties, for signature verification on petitions
8 and candidate filings, for election purposes and for news gathering purposes
9 by a person engaged in newspaper, radio, television or reportorial work, or
10 connected with or employed by a newspaper, radio or television station or
11 pursuant to a court order. A person who violates this subsection or
12 subsection E of this section is guilty of a class 6 felony.

13 G. The county recorder shall count the registered voters by political
14 party by precinct, legislative district and congressional district as
15 follows:

16 1. In even numbered years, the county recorder shall count all persons
17 who are registered to vote as of:

18 (a) January 1.

19 (b) March 1.

20 (c) June 1.

21 (d) The last day on which a person may register to be eligible to vote
22 in the next primary election.

23 (e) The last day on which a person may register to be eligible to vote
24 in the next general election.

25 (f) The last day on which a person may register to be eligible to vote
26 in the next presidential preference election.

27 2. In odd numbered years, the county recorder shall count all persons
28 who are registered to vote as of:

29 (a) January 1.

30 (b) April 1.

31 (c) July 1.

32 (d) October 1.

33 H. The county recorder shall report the totals to the secretary of
34 state as soon as is practicable following each of the dates prescribed in
35 subsection G of this section. The report shall include completed
36 registration forms returned in accordance with section 16-134, subsection B.
37 The county recorder shall also provide the report in a uniform electronic
38 computer media format that shall be agreed upon between the secretary of
39 state and all county recorders. The secretary of state shall then prepare a
40 summary report for the state and shall maintain that report as a permanent
41 record.

42 I. The county recorder and the secretary of state shall protect access
43 to voter registration information in an auditable format and method specified
44 in the secretary of state's electronic voting system instructions and
45 procedures manual that is adopted pursuant to section 16-452.

1 J. The secretary of state shall develop and administer a statewide
2 database of voter registration information that contains the name and
3 registration information of every registered voter in this state. The
4 database shall include an identifier that is unique for each individual
5 voter. The database shall provide for access by voter registration officials
6 and shall allow expedited entry of voter registration information after it is
7 received by county recorders. As a part of the statewide voter registration
8 database, county recorders shall provide for the electronic transmittal of
9 that information to the secretary of state on a daily basis. The secretary
10 of state shall provide for maintenance of the database, including provisions
11 regarding removal of ineligible voters that are consistent with the national
12 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States
13 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116
14 Stat. 1666; 42 United States Code sections 15301 through 15545), provisions
15 regarding removal of duplicate registrations and provisions to ensure that
16 eligible voters are not removed in error.

17 K. Except as provided in subsection L of this section, for requests
18 for the use of registration forms and access to information as provided in
19 subsections E and F of this section, the county recorder shall receive and
20 respond to requests regarding federal, state and county elections.

21 L. Beginning January 1, 2008, recognized political parties shall
22 request precinct lists and access to information as provided in subsections E
23 and F of this section during the time periods prescribed in subsection C or D
24 of this section and the county recorder shall receive and respond to those
25 requests. If the county recorder does not provide the requested materials
26 within the applicable time prescribed for the county recorder pursuant to
27 subsection C or D of this section, a recognized political party may request
28 that the secretary of state provide precinct lists and access to information
29 as provided in subsections E and F of this section for federal, state and
30 county elections. The secretary of state shall not provide access to
31 precinct lists and information for recognized political parties unless the
32 county recorder has failed or refused to provide the lists and materials as
33 prescribed by this section. The secretary of state may charge the county
34 recorder a fee determined by rule for each name or record produced.

35 M. For municipal registration information in those municipalities in
36 which the county administers the municipal elections, county and state party
37 chairmen shall request and obtain voter registration information and precinct
38 lists from the city or town clerk during the time periods prescribed in
39 subsection C or D of this section. If the city or town clerk does not
40 provide that information within the same time prescribed for county recorders
41 pursuant to subsection C or D of this section, the county or state party
42 chairman may request and obtain the information from the county recorder. The
43 county recorder shall provide the municipal voter registration and precinct
44 lists within the time prescribed in subsection C or D of this section.

APPROVED BY THE GOVERNOR APRIL 18, 2008.

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